

1 IN THE UNITED STATES DISTRICT COURT  
2 MIDDLE DISTRICT OF TENNESSEE  
3 NASHVILLE DIVISION

5 L.E., by his next friends and  
6 parents, SHELLEY ESQUIVEL and  
7 MARIO ESQUIVEL.

8 Plaintiff,

9 v. Case No. 10

10 BILL LEE, et al., 3:21-cv-00835

11 Defendants.

13 | VIDEOCONFERENCE DEPOSITION OF

14 JENNIFER HEMMELGARN

15 DATE: Friday, July 29, 2022

16 | TIME: 9:33 a.m. CDT/10:33 a.m. EDT

17 LOCATION: Remote Proceeding

18 Washington, DC 20005

19 | REPORTED BY: Janel Folsom, Notary Public

20      JOB NO.: 5335467

1           Q     Great, thank you. So now I would like to  
2     ask some questions about the overall structure of the  
3     public school system in Knox County.

4                   So first, would you please tell me what role  
5     Knox County Schools plays in overseeing the education  
6     system in Knox County?

7           A     The Board of -- the Knox County Board of  
8     Education is charged with -- I guess a way to say it  
9     is implementing the state's education system at a  
10    local level. The Knox County Board of Education  
11    develops policies that apply to the School District,  
12    and Knox County Schools employees are charged with  
13    following and implementing those policies.

14           Q     And who composes the Knox County Board?

15           A     It's a nine-member board composed of one  
16    representative from each of the nine districts and is  
17    led by a chair and a vice chair. That would be one of  
18    those nine members is a chair and one of those nine  
19    members is a vice chair.

20           Q     When you say nine districts, does that mean  
21    Knox County is geographically split into nine  
22    subcomponents?

1                   interscholastic athletic team?

2                   MS. JERNIGAN-JOHNSON: Same objection.

3                   MS. BERGMEYER: Same objection.

4                   A      I'm -- I'm not aware of a girl participating  
5                   on a sports team that -- being able to participate on  
6                   a sports team that was designated as gender-specific.  
7                   Like we discussed earlier, there are some sports teams  
8                   that are not designated as gender-specific.

9                   Q      Okay. Thank you. And prior to the  
10                   enactment of SB 228, did Knox County Schools as an  
11                   institution or any Knox County Schools personnel play  
12                   any role in drafting SB 228?

13                   MS. JERNIGAN-JOHNSON: Object to the  
14                   form.

15                   A      To my knowledge, Knox County Schools did not  
16                   participate in drafting SB 228.

17                   Q      And prior to its enactment, did Knox County  
18                   Schools or any Knox County Schools personnel advocate  
19                   for the enactment into law of SB 228?

20                   MS. JERNIGAN-JOHNSON: Object to the  
21                   form.

22                   MS. BERGMEYER: Same objection.

1           A    Not to my knowledge.

2           Q    And prior to its enactment, did Knox County  
3           Schools or any Knox County Schools personnel advocate  
4           against SB 228?

5                           MS. JERNIGAN-JOHNSON: Object to the  
6                           form.

7                           MS. BERGMEYER: Same objection.

8           A    Not to my knowledge on behalf of Knox County  
9           Schools. I will clarify that the District employs  
10           nearly 10,000 people, so I'm sure that some employees  
11           have feelings one way or the other about the enactment  
12           of the law. So I don't want to speak on behalf of  
13           every employee, because likely some -- some people did  
14           have conversations for or against. But Knox  
15           County -- on behalf of Knox County Schools, to my  
16           knowledge, no.

17                           MR. STRONGIN: Great. Thank you. And  
18           now, Lucas, if you could introduce tab 8 as Exhibit 7,  
19           please.

20                           (Exhibit 7 was marked for  
21                           identification.)

22                           //

1           Q     Okay. And what basis was given for enacting  
2 that policy?

3                   MS. JERNIGAN-JOHNSON: Object to the  
4 form.

5                   MS. BERGMEYER: Same objection.

6           A     To comply with state law.

7           Q     Okay. And if section 49-6-310(a) had never  
8 become operative law in Tennessee, would the Knox  
9 County Board of Education have enacted the changes to  
10 I-171 we just discussed?

11                  MS. JERNIGAN-JOHNSON: Object to the  
12 form.

13                  MS. BERGMEYER: Same objection.

14           A     I do not know.

15           Q     Okay. And if section 49-6-310(a) were to no  
16 longer be operative law in Tennessee, would Knox  
17 County Schools continue to enforce the policy changes  
18 to I-171 that it enacted in response to SB 228?

19                  MS. JERNIGAN-JOHNSON: Object to the  
20 form.

21                  MS. BERGMEYER: Same objection.

22           A     I -- I do not know. It -- state law would